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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Deborah Graham, an individual,

Plaintiff,

vs.

Pardes Jewish Day School Inc.,

Defendants.

Case No.

**RETALIATION AND WRONGFUL
TERMINATION**

Plaintiff, Deborah Graham, alleges as follows:

PRELIMINARY STATEMENT

1. Plaintiff was an employee of Pardes Jewish Day School Inc. (“Defendant”). Plaintiff filed an Equal Employment Opportunity Commission (“EEOC”) Charge on April 4, 2023 (Exhibit “A”). Plaintiff was issued a right to sue on May 2, 2023 by the EEOC (Exhibit “B”). Plaintiff has met all the prerequisites for filing this Complaint.

JURISDICTION AND VENUE

2. The claims asserted fall under 42 U.S.C. 12111 *et seq.*, and other applicable federal laws as well as *A.R.S 23-1501 et seq.* and other applicable state laws.

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and (c) because acts giving rise to the claims of the Plaintiff occurred within the District of

1 Arizona, and Defendant regularly conducts business in and has engaged in the wrongful
2 conduct alleged herein and, thus, is subject to personal jurisdiction in this judicial district.

3 **PARTIES**

4 5. At all relevant times alleged herein, Plaintiff resided in the State of Arizona
in Maricopa County.

5 6. Defendant is a private entity doing business in Arizona.

6 7. Defendant has been Plaintiff's employer for all relevant times referred to
herein.

7 **FACTUAL ALLEGATIONS**

8 8. Plaintiff was hired by Defendant in August of 2019 as the Director of
9 Learning Resources.

10 9. Through January 2022, Defendant had no issue with Plaintiff's work.

11 10. Starting in January 2022, Plaintiff reported what she reasonable believed
12 were violations of both state and federal law, in particular the lack compliance with
13 Americans with Disabilities Act requirements for students and employees, Arizona child
find laws, HIPAA violations by sharing private sensitive health information with others,
and Arizona privacy law violations.

14 11. Instead of correct their violations, Defendant took actions from that time to
15 discriminate, harass, and retaliate against Plaintiff.

16 12. In March of 2022, Plaintiff was demoted to a part-time position for
17 "advocating too much" for the rights of students and employees with special needs.

18 13. From March 2022 through August 2022, Plaintiff was stripped of
19 opportunities to perform work and of resources to fully perform her work and these duties
were assigned to a personal friend of the head of school for Defendant.

20 14. During this process Defendant began using Plaintiff's age, 49, as a reason
21 to Plaintiff needing to be move from her position.

16. Following Plaintiff asking that the Defendant comply with the law, Plaintiff was terminated.

ADA Retaliation – Federal Law

18. Plaintiff notified Defendant that they were discriminating against individuals in violation of ADA requirements.

20. Plaintiff went so far as to report the primary wrongdoer, Jill Kessler, to the Board of Directors, but they additionally took no action to correct the wrongdoing, and instead took action to retaliate against Plaintiff.

22. As a direct result of Defendant's retaliation, Plaintiff has suffered damages in an amount to be proven at trial.

WRONGFUL TERMINATION – ARIZONA LAW

24. Plaintiff hereby alleges that Arizona law and public policy, Arizona Revised Statutes § 23-1501A(3)(c)(ii), makes it illegal for an employer to terminate an employee for

1 an employee making the employer aware that, upon belief, the employer has violated the law
2 of Arizona.

3 25. Plaintiff hereby alleges that Defendant was her employer and she was an
4 employee of Defendant under the law.

5 26. Plaintiff hereby alleges that she disclosed, in a timely fashion, that the
6 Employer was violating state law and/or Constitution of Arizona by disclosing private and
7 protected health information of people to others and by failing to comply with “Child Find”
8 laws.

9 27. Plaintiff hereby believes that the actions of the employer were and are a
10 violation of Arizona law.

11 28. Plaintiff hereby alleges that Defendant terminated her employment because
12 she reported these violations of law.

13 29. Plaintiff has suffered damages due to Defendant’s actions.

14 30. Therefore, Defendant is liable to Plaintiff in an amount to be determined at
15 trial.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff respectfully requests that this Court grant the following
18 relief in Plaintiff’s favor and against Defendant:

19 A. For the Court to award front pay and back pay in an amount to be
determined at trial;

20 B. For the Court to award incidental, compensatory, consequential damages,
21 liquidated damages and/or emotional distress damages in an amount to be determined at
22 trial;

1 C. For the Court to award punitive damages for Defendant's knowing
2 violation of the law in an amount to be determined at trial;

3 D. For the Court to award prejudgment and post-judgment interest;

4 E. For the Court to award Plaintiff's reasonable attorneys' fees and costs of
5 the actions pursuant to any applicable law and all other causes of action set forth herein;
6 and,

7 F. For such other relief as this Court shall deem just and proper.

8 **DEMAND FOR JURY TRIAL**

9 Plaintiff hereby requests that upon trial of this action, all issues be submitted to and
10 determined by a jury except those issues expressly reserved by law for determination by
11 the Court.

12 RESPECTFULLY SUBMITTED this 31 day of July, 2023.

13 **COUNXEL LEGAL FIRM**

14 /s/Timothy Coons

15 Timothy Coons

16 2222 S. Dobson Rd. Suite 1104

17 Mesa, AZ 85202

18 *Attorney for Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2023, I electronically transmitted the attached document to the Clerk's office using the CM/ECF System for filing and transmittal of Notice of Electronic Filing to the following CM/ECF Registrant:

/s/ Carolyn Button

COUNXEL
LEGAL FIRM